Supreme Court Holds "License Agreements" Illegal as in Restraint of Trade.

### DECISION OF GREAT IMPORT

#### Will Affect Investigations Now Under Way and Anti-Trust Suits Already Filed by the Government.

Washington, Nov. 18.-In an epochmaking decision in the bathtub trust case the Supreme Court of the United States there can be no monopoly in the unpatented product of a patented machine without violating the Sherman anti-trust law. Justice McKenna delivered the

ununimous opinion of the court. In accordance with this doctrine, the court struck down as illegal the "license agreements" by which manufacturers of \$5 per cent of the sanitary enamelled ironware in the United States were bound together in combination. The license agreements allowed the manufacturers to use a patented dredger only on condition that they would abide by an attached price list, would not sell to jobbers who bought from independents, would not sell in certain territory and would not sell "seconds." Officials of the Department of Justice asserted, will have an important bearing on several investigations now under way, as well as anti-trust suits already filed against the moving picture trust and the

#### United Shoe Machinery Compa-Decision Vitally Important.

cision to regarded as vitally important because of the government's claim that the "patent license agreement" plan was being adopted by many concerns as a result of the judicial ban on the "pure trust" plan, as exemplified in the case of the Standard Oil Company of Onto: the "holding company" plan, as declared invalid in the Northern Securities case, and the combination of a holding mpany and a manufacturing company, as shown in the Standard Oil and Tobacco

Justice McKenna declared in his opinion that the effect of the agreements was to convert independent and competitive companies into a combination subjected to rules and regulations. "The trade was practically controlled from producer to consumer," said he, "and the potency of the scheme was established by the cooperation of & per cent of the manufacturers, and their fidelity to it was secured not only by trade advantages, but by what was practically a pecuniary penalty, not inaptly termed in the argument

To-day's decision sustains the decre the United States District Court for Maryland abrogating the "license agreement" and paves the way for the retrial of the the first trial of which, in Detroit, a few months ago, resulted in a disagreement of the jury. Attorney General Wickersham postponed the retrial until the issues in the civil suit were decided by the Supreme

Edwin P. Grosvenor, special assistant to the Attorney General, who prosecuted Court, said to-night:

The economic effect of the prosecution by Attorney General Wickersham is interesting. The combination began operations in June, 1910. At once complaints poured in to the Department of Justice. in July, 1910. Since the combination was fallen from 25 to 40 per cent, yet to-day nearly all of the manufacturers engaged in the business are running their factories overtime, and they are all making money at the reduced prices prevailing in this police give for Vogel in 151st street. period of competition.

The agreements," said Justice Mc-Kenna, "clearly transcend what was necessary to protect the use of the patent or the monopoly which the law conferred upon it. They accomplished a restraint of trade condemned by the Sherman law."

The justice said there was nothing in contravened the views he was expressing,

The added element of the patent in the case at bar cannot confer immunity. Rights conferred by patents are indeed very definite and extensive, but they do not, any more than other rights, give a universal license against positive prohibitions. The Sherman law is a limita-tion of rights-rights which may be pushed to evil consequences and therefore the same time taking with her, the poare restrained."

The Supreme Court took a recess to-day until December 2.

#### TO SELL MOTOR COMBINE U. S. M. Co. Will Be Put Up for Auction in January.

The foreclosure sale of the United States Motor Company and its subsidiaries was set yesterday by Judge Hough, of the United States District Court, for January 8, at 11 a. m., in Room 47 of the Federal

Receivers Strong and Walker were directed by the court to dispose of the properties of the insolvent corporation at public auction on that day. The properties can be sold in one single lot or in six different parcels, the court ordered. In case there should be a bid for the whole, the bidder will be required to put up a cash deposit of \$250,000. Should the bidding be arranged in lots, a deposit of \$50, 000 will be required from the bidder on

# ALLENS MUST DIE FRIDAY Virginia Outlaws' Plea for a

New Trial Fails. Richmond, Va., Nov. 18 .- A new trial was refused Floyd Allen and his son, Claude Swanson Allen, to-day by the Su-

The men are condemned to die in the electric chair next Friday for the murder of officials of the Carroll County Court at Hillsville on March 14.

preme Court of Virginia.

It is believed Governor Mann will not

#### ASTOR THANKS HARBURGER Accepts Sheriff's Invitation to Take Father's Place on Jury.

Sheriff Harburger received the following letter from Vincent Astor yesterday:

# CROOK SHOOTS SIX, THEN ENDS LIFE

was comparatively not far away. Fifty patrolmen, ready to go out on duty, followed them and a score of detec tives.

But even before they got there Father Wallace, of the St. Angelo Merci Roman Catholic Church, Morris avenue and 163d street, had gone into the hotel and was administering the last rites to the wounded men. Vogel and "Lottie" were dead on the floor. The girl had a great bullet wound in her breast and blood poured out of the

man's right temple. Drs. Epstein and Rovenschein took the wounded men to the hospital. Last laid down to-day the broad principle that night it was said that Butler was about the only one who would recover. Coroner Healy got a short statement from Fay, who told between gasps the romantic story that lies behind the chase and its tragic ending.

Fay said that Sadie Breckenhoff, who was arrested yesterday, on the charge of stealing trifles from people she worked for as a servant girl, had confessed under a sweating by the private detectives that she was only part of a trio that had figured in several diamond robberles; and that Vogel and "Lottie" were the two other bars of the triangle.

Fay was assigned by Deputy Comdissioner Dougherty to accompany Alwere elated over the decision, which, it is len and Gerade, who stood outside the furnished room occupied by the man and I saw him fire four shots. There and woman at Tenth avenue and 25th I saw Officer Benoit take his revolver street and saw them have their baggage loaded on the taxicab. The detectives followed, once losing the pair. but finally caught them again, and stood guard outside the hotel long enough for them to open the trunks and suitcases, which were supposed to contain the plunder the three had stoken in various places.

About 9 o'clock the detectives went in and ordered Mondschein to show them the room in which the man and woman were. It was then the shooting

The girl, as well as the man, was armed. He had an automatic revolver loaded with eleven cartridges; she had a short, police model gun. Some of its cartridges had been fired, and it was thought by the police last night that she had fought, too, to save her lover

Fay is one of the best known detectives in the department. He has been years, and knows all the underworld of that crowded section, and of the populous Bronx, too. Allen was known as "Spider" Allen when he was on the police force. One night, when he was looking for "dips" on a surface car he criminal suit against the bathtub trust, tried to wrest a revolver away from a rested. Caruso testified that he never man. Patrolman Loughman, who was had seen La Court until the latter man on the car in plain clothes, was shot appeared in court. and killed in the scuffle. Allen resigned from the department three or four years later.

Police Headquarters records furnished the information last night that the case and argued it in the Supreme Vogel was a Pole, whose real name he preached sermons to them about their was Pheresdo Ragyesky, and that he had a flat at No. 529 West 151st street.

The Breckendorf girl left the apartment of Mrs. Saul H. Ganz, No. 251 West 89th street, Sunday, November 4. and drive them back to work disorgan-The Attorney General began proceedings | She had been working there only a few | ized. days, and Mrs. Ganz reported to the broken up the prices of the product have West 190th street police station the night she went away that \$750 worth J. of jewels had been stolen. Detectives followed the girl to the address the

It was in his apartment that the detectives employed by the security company waited for Sophie Breckendorf. and in the mean time they found two trunks filled with jewelry and fine linens. They arrested the girl, who was identified by Mrs. Ganz. She was the mimeograph case of last year which locked up on a charge of grand larceny, and when searched, the police say, Mrs. Ganz's jewel case was found

in her clothing She was arraigned in the Harlem court and held without bail. The detectives then received several other complaints from persons who had hired a Polish girl, who remained a few days and then disappeared, at lice say, articles of jewelry.

The names of some of the complainants as made public by the colice last night were Augustus A. Rosenbloom, of No. 214 West 92d street, who properly. Commissioner Edwards has reclaimed that jewelry valued at \$1,000 peatedly written to Cuff and asked him had been stolen from his apartments; Richard Steinert, of No. 310 West 80th street, lewelry valued at \$450, and Stella Emanuel, of 562 West 113th street, jewelry valued at \$1,350,

These three complainants, the police say, identified the girl. She was indicted vesterday on charges of grand

larceny in the first degree. Coroner Healy ordered the trunks and the valises to remain in the Morrisania police station until early this morning, when they will be taken to the office of the Bronx Detective Bureau and opened.

## MONEY TRUST CURE URGED

#### Pujo Will Propose Legislation at the Short Session.

Washington, Nov. 18.-There will be legislation during the approaching short session of Congress as a result of the "money trust" investigation of the House, if Representative Pujo, chairman of the investigating committee, has his way. Mr. Pujo announced to-day that he had called a meeting of the committee for 11 o'clock on Wednesday This session probably will be confined to fixing a date for the resumption of the oral hearings, which Japan. The investiture with the insignla were begun soon after the adjournment of Congress.

committee would be able to conclude its ceremony being conducted by Y. Numano, investigation not later than December 20. His desire is that the report be ready to the Decoration of the Order of the Rising present to Congress by January 20, in order, he added, "that Congress may take My dear Sheriff Harburger: It is with pleasure that I have received your notification of my appointment to the third panel, Sheriff's jury. My father always in the carrying on of the business of clear-highly appreciated the honor of being a member of such a body and I am glad to have the opportunity of filling the banking associations as may be warranted by the facts." such action in the way of remedial legis-

# POLICE FIRED PISTOLS, GIBSON AND WIFE ETTOR WITNESS SAYS

Contradicts Evidence of Lawrence Officers That They Did Not Use Revolvers.

#### GIOVANNITTI ON THE STAND

#### Denies He Urged Strikers to "Seek Blood" --- Always Counselled Peace, Prisoner Asserts in Own Defence.

Salem, Mass., Nov. 18.—Resting its case in the trial of Ettor, Giovannitti and Causo for the Anna Lopizzo murder in a Lawrence textile strike riot, the defence late to-day produced a witness who swore he saw two police officers discharge their revolvers just before Anna Lopizzo fell. It is probable that the case will go to

the Jury on Thursday at the latest. Steven Narushos, a carpenter, declared he saw a policeman, Oscar Benoit, shoot in the fatal riot of January 29. Benoit and other witnesses had testified that his revolver was not fired on that occasion, and other officers who participated in the outbreak had sworn that no policeman fired a shot.

#### Witness Was Scared and Fled.

"I saw one special policeman, who were long overcoat with a badge under it. run across the street clubbing the people." said Narushov "Then he came back toward Garden and Union streets and fire three shots, two toward Common street and one toward Union street. was scared and ran into a grocery store for my bundles. Then I ran for my car, and I saw three men carrying a woman into the same grocery store. That was about a minute after I saw the policeman firing the shots."

On cross-examination Narushos said he iid not see Benoit or the special policeman fire any shots toward the grocery store near which Anna Lopizzo fell. Louis La Court, the detective who tes ified for the commonwealth that the defendant Caruso had confessed to him that he stabbed Benoit, was recalled to stand by the defence. Mr. Sisk, of counsel for the prisoners, confronted the witness with a record of his conviction in 1905 for the larceny of checks amounting

school under the name Elcourt. "I admit that I was the one who was sentenced," said La Court, "but it was my brother who did it. I took the punish-

to \$148 and being sentenced to the reform

ment for my brother. La Court also admitted that he was sentenced to the Parental School in 1902 s an habitual truant.

Cross-examined by District Attorney Attwill, La Court said that just before streets and went with him to Lawrence and Essex streets, where both were ar-

## Giovannitti Advised Peace

Arturo Giovannitti, socialist writer, poet and missionary, testified in his own de fence, maintaining that he never urged violence on the strikers, declaring that condition.

Giovannitti repeated speeches he made about the discovery of dynamite, pointing out how it was a plot of the capitalists to rob the strikers of their leader

Then the defence rested its case the commonwealth called Policeman John Kelliher, of Lawrence, who arrested Caruso. Kelliher testified that Detective La Court was talking to Caruso at the were married in this country, and Giutime. La Court had met Caruso and walked a block with him. When the detective gave a signal by tipping his bat. Kelliher walked up and made the arrest.

# Had to Get Waldo and Johnson to Help Him.

Commissioner Edwards of the Departments to do it.

The offending shovel, which Commissioner Edwards says is the property of William Cuff, a contractor, has been in 104th street, just east of First avenue, for some time. It is an incumbrance. addition to being unsightly and being in the way of traffic it prevents the Street Cleaning Department from doing its work most politely to please run away with his steam shovel, but, the Commissioner declares, the contractor has ignored his ap-Under the charter the Commisstoner has the right to move an incumbrance in the streets and take it to the Corporation Yard, but when it came to moving the steam shovel Edwards could not see how he was to go about it.

Commissioner Edwards went to Magis trate McQuade and asked for a summon for Cuff, that the contractor might b ordered by the magistrate to remove the shovel. The magistrate refused to issue the summons on the ground that Commissioner Edwards had plenty of authority to move the shovel himself. Yesterday Commissioner Edwards went to Police Commissioner Waldo. The latter said lice Commissioner Waldo. The latter said he would give what assistance he could, and suggested that Fire Commissioner Johnson might furnish an automobile truck to drag the shovel away. If the idea works, the shovel will be taken to the Corporation Yard, where it will stay until Mr. Cuff pays a fee to cover the cost of removing it from the street and promises that he will take it home nights.

# JAPAN HONORS NEW YORKER

#### Emperor Confers Order of Sacred Treasure Upon 'Phone Official.

John J. Carty, of this city, has been created a member of the Order of the Sacred Treasure by the Emperor of of the order and the presentation of a diploma for valuable service to Japan Mr. Pujo said he was hopeful that the and her people have just taken place, the Consul General. Mr. Carty already wears Sun, conferred by the late Emperor after the close of the war between Japan and Russia.

Mr. Garty is chief engineer of the American Telephone and Telegraph Company, and his methods of telephone engineering were those adopted by the Japanese government engineers after they had investigated the subject in all of the European countries and in America.

# WHEN HE SAW INFORMER OVERRIDE COUNSEL

Continued from first page.

are substantial Orange County farmers. The youngest is thirty-two years old and the oldest has passed his sixtyeighth year. They come from widely scattered parts of an unusually large county, and to a man they thoughtfully expressed themselves as confident of being able to consider the testimony with an open and just mind.

#### Mysterious Foreigner in the Case

Mr. Elder was emphatic in asking whether the talesmen had read the newspaper accounts about Gibson and whether they had formed an opinion as a result. He wanted to know, also, whether they had had experience with boats, as it is in a boat, according to the theory of the prosecution, that the murder took place. Another point he sought to make sure of was their attitude on circumstantial evidence and doubt and the presumption of inno-

One talesman was asked whether he would have any prejudice against a foreigner on the witness stand. This last point, it was explained by Mrs. Gibson when she and her husband were seen in his cell, was due to the fact that a new witness, who was a foreigner, would be brought forward by the defence. They expressed great confidence that this witness would win the case for them, but kept his identity secret. 'Mrs. Gibson said she wanted Mr. Elder to put to every talesman the question of prejudice against sen was a co-conspirator." a foreigner.

#### One Juror a "Gentleman."

The jurors chosen are Jacob L. Hicks. grocer, Highlands; Charles Nabor, farmer, Montgomery; Charles Wyant, farmer, Highlands: A. J. Baxter, who gave his occupation as "gentleman," Warwick; Henry Tweddle, farmer, Montgomery; Themas E. Eidel, grocer, Port Jervis; George Dell, hotel business, Newburg; Charles Merritt, farmer, New Windsor; William Fitzgerald, cattle dealer, Chester; George W. Jamison, real estate and newspaper proprietor, whose paper printed nothing about the Gibson case, Warwick, and N. W. Baird, farmer, Warwick.

Mr. Rogers will make his opening statement to-morrow and expects to put at least six witnesses on the stand before the close of the day. He says that in all he will have about forty witnesses. His plan is to try the case in chronological order, beginning with was arrested he had talked to the arrival of Gibson and Mrs. Szabo the defendant at Common and Lawrence at Greenwood Lake, on July 16 last, and ending with witnesses by whom he will attempt to prove a motive for the alleged murder. The defence has not yet shown its hand.

## ON TRIAL FOR MURDER

#### G. Marchesi, Accused of Killing Sister-in-Law, Goes to Bar.

The final act of a melodrama of real life was staged before Judge Rosalsky yesterday in General Sessions when Gluseppe Marchesi was placed on trial for the murder of his sister-in-law, Maria Marchesi, at No. 323 East 62d street, on May 1 last. Arthur C. Train, magazine writer and Assistant District Attorney, counsel for Marchest.

Maria was the wife of Theodore Mar chesi, Giuseppe's younger brother. They seppe had never met his sister-in-law. In July, 1911, Maria went back to Italy for a First she went to her own provvisit. ince in the north to see her own family, and then she went to Naples, where she EDWARDS HAD A BIG JOB spent two months with Theodore's rela-Gluseppe became infatuated with his beautiful sister-in-law, and when she

returned to New York he sailed with her. Theodore took him into the household and found work for him. Giuseppe spoke ment of Street Cleaning is a pretty big no word of his love to Maria or to Theoman, but he acknowledges that he is dore for several months. Then Maria told stumped when it comes to moving steam her husband a story which led him to shovels. However, he is going to have show Giuseppe the door and tell him that steam shovel moved to-day if it never to come back. Nevertheless he did takes the entire Police and Fire depart- visit the flat when Theodore was absent, especially on Wednesdays, when Theodore's work kept him away for eighteen hours at a stretch.

On Thursday morning, May 2 of this year, Theodore returned to find his rooms dark. The neighbors told him where to go, and he claimed his wife's body at the morgue. Giuseppe was at the hospital with two bullets in his head, one of which cost him his left eye.

Question him as he would yesterday. harles C. Nott, the Assistant District Attorney, could not prevail upon Theodore to tell why he forbade his brother the house, "I told him to go, and he went," was all that he would say. Neighbors told of seeing Gluseppe reel

from the flat, his wounds bleeding, while he cried: "I have shot Maria and shot

## THREE NATIONS IN SUIT

#### Laws of Austria, England and America Figure in Case. Surrogate Fowler reserved decision yes-

terday on the question whether the English courts had the power to collect a succession tax on the \$6,000 annuity which Countess Zichy receives under the will of her cousin, Consuelo, Dowager Duchess of Manchester. The objection of the countess is based on the fact that she is an Austrian subject, and that her annuity is derived from the American property of the late duchess. The American executors of the will of

the Duchess of Manchester remitted \$97 .-600 to England to meet this tax, and the Countess Zichy objected to having any part of this money charged against her Henry W. Taft, who appeared before

Surrogate Fowler as counsel for the executors, said it would have been necessary to sell the family homestead if the money had not been sent. Mr. Taft said the English courts, right or wrong, would take jurisdiction of any funds they could get hold of to pay the succession tax.

#### SOCIALISTS TO CELEBRATE. The New York local of the Socialist party will celebrate the big increase in

the Socialist vote at the election this year by a concert and ball next Saturday evening in the New Star Casino, 197th

# UNION OFFICIAL FAINTED NEWSPAPER ACT RUINOUS, LABOR SPLIT ON POLICY

missions, Collapsed at Sight of McManigal, Say Accusers.

# MUNSEY REGAINED NERVE

## of It," but Changed His Mind the Next Day, Charges Lawler.

Indianapolis. Nov. 18.-Eugene confessed dynamiter. This testimony was understanding of reasonable to the Attorney General, and Arthur L. printed brief filed by Robert C. Morris and December, 1911, after admitting in their presence that he knew James B. McNa- orally on December 2. mara was on the coast to blow up nonunion jobs.

Lawler and Veltch also named Olaf A. Tveitmoe and Anton Johannsen, San Francisco; W. H. Pohlman, Seattle, and periodicals published throughout J. E. Munsey, Salt Lake City, as being aware of McNamara's dynamiting mis sion. Pohlman and Johannsen are among the forty-five defendants here, but when the defence objected to quoting what Johannsen might have said the court ruled the evidence was competent "because it had been shown that Johann-

#### Alleged Talk with McNamara.

The witnesses said that Clancy, at the District Attorney's office, told this story: In August, before 'The Los Angeles Times' explosion, Clancy went to seattle, where he was introduced by Poniman to James B. McAmmara, who said to Clancy: 'You know what I'm out here for,' and then explained he was to do dynamiting. Clancy then went to the International Association of Bridge and Structural Iron workers' convention at Structural Iron Workers' convention a Rochester, where he talked with J. J. McNamara about the visit of the dyna-

niter to the Pacific Coast.

Clancy was in Boston with Michael J.

Coung, when he read of the killing of
ecople at the Los Angeles explosion. He
mmediately telegraphed to Shorty San Francisco, to 'clean house," meaninget rid of certain telegrams about B.'s" Western trip. He also hur

better see Munsey about that."

When the Lleweilyn Iron Works in Los
Angeles was blown up on December 25,
1919, McManigal, who did that job, appeared in Clancy's office in San Franelsco. Clancy told him to get out and
directed him to see Tveitmoe. Just after the had told this story, Clancy, who has heart trouble, turned around and, seeing McManigal through

the crack of a door, fainted. Asked later why, knowing McNamara-was guilty, he had joined with Tveitmon and Johannsen in the defence of the Mc-amara brothers, Clancy replied to his interrogator that he considered it "none of his business".

Mr. Lawler, telling of an interview he had with Munsey, known also as "Jack" Bright, said:

Munsey told me that, after "The Times" explosion, he was sent by J. J. McNamara to inquire whether the people in Los Angeles thought the building had been deartoyed by escaping gas. I told Munsey we had information that he hid James B. in Sait Lake City for two weeks after the explosion, that we had a Sait Lake City tailor, Theodore C. Bjonn, who made a suit of ciothes for McNamara; and, in Mact, Munsey's own wife had given us a description of McNamara as a man to whom she rented a room. Munsey admitted he rented a room to a

as a man to whom she rented a room. Munsey admitted he rented a room to a man named Williams, but he didn't think he looked like McNamara.

I also asked him whether he had not been the go-between in getting the dynamiter back to Indianapolis. He denied all of it. Then he came back and said he had decided to make a clean breast of it. We agreed to meet the next day, but in the mean time Munsey had seen Johannsen, and when he reappeared the next day he said he had decided not to talk any further.

I also bad a talk with Tveitmee about labor conditions in Los Angeles, in which he said General Harrison Gray Otts, pro-

labor conditions in Los Angeles, in which he said General Harrison Gray Otts, pro-prietor of "The Times," was regarded as an enemy of union labor. Further testimony that Herbert S.

Hockin, now on trial, furnished the government information last winter was ernment information last winter was given by F. A. Graves, a detective. Graves said that Hockin arranged with him to "get in touch" with W. J. Burns, the detective, and that Hockin later met Burns and delivered certain papers wanted by the prosecution.
Blackened pieces of infernal machines, which figured in "The Times" explosion, were identified.

# ROBBERY WAS REAL THING

#### Moving Picture President Vic tim of Confidence Game. J. Stuart Blackton, commodore of the

Atlantic Yacht Club and vice-president

of the Vitagraph Company, has had a number of moving picture robberic staged at his home. No. 540 Ocean ave-value that would be "stolen" would, of value that would be "stolen" would, of nue, Flatbush. Practically everything of course, be returned after the scene had been completed. On Saturday a real robbery took place at Mr. Blackton's home and as a result he is out four suits of clothes, which he values at \$450. The police of the Parkville police station have been put on the case, but it was feared last night that the thief had made a clean getaway. Incidentally it became known that this robbery is only one of a number that have occurred in the immediate vicinity within the last two weeks. Here is the story how Mr. Blackton lost his clothes. On Friday Mrs. Blackton packed up the four suits, comprislost his clothes. On Friday Mrs. Blackton packed up the four suits, comprisling two business, a dress and tuxedo suit
and sent them to Yaeger Katz. a tailor.
of No. 2256 Church avenue, to be cleaned
and pressed. The apparei was returned
on Saturday noon. Half an hour after
they were returned a young man, apparenty about twenty years of age,
rushed into the house, and, after making
an apology, informed the butler that the
clothes had been sent back before they
were finished. The butler seemed doubtful, but this was readily removed when
the stranger backed this up with a note
from the tailor. So far as the butler was
concerned the incident closed right there.
Nothing more was thought of the matter
until Mr. Blackton asked for one of the
business suits. Then the butler realized
what he had done. He told Mr. Blackton how he had doubted the young man
at first, but became satisfied that he was
"on the level" when he was shown the
note from Katz. ton packed up the four suits, compris

#### ARM UR HASN'T ST. PAUL Roswell Miller, chairman of the board of the Chicago, Milwaukee & St. Paul

Rallway Company, said yesterday that he had no knowledge that the control of the road had passed from the Rockefeller interests to a Western group, headed by J. Ogden Armeur, as was stated in dis-patches to this city from Chicago yesterday. He denied that he had heard any thing to lead him to believe that the re-port was true. The same statement was made by Donald G. Geddes, of Clarke, Dodge & Co., a member of the St. Paul board, who remarked that he could give no information about the transfer because he did not believe it to be so,

# SAY LAWYERS IN TEST Two Reports to Federation on

Clancy, After McNamara Ad- Violation of Constitutional Liberty of 25,000 Publications Charged in Brief.

## BUSINESS MEN WARNED

#### Agreed to Make a "Clean Breast Lawyers and Doctors Told They May Be Required to Disclose Clients if Objections to Postal Law Fail.

Washington, Nov. 18 .- The opening at-Clancy, a labor union official, of San tack on the constitutionality of the sec-Francisco, fainted when, after making tions of the recent postal appropriation admissions in the District Attorney's act, requiring newspapers to give postal majority of the committee voted for h office in Los Angeles, he looked through authorities access to their circulation recthe crack of a door and saw standing in ords and to publish the names of their another room Ortic E. McManigal, the stockholders and bondholders, as well as to label paid political articles as advergiven at the dynamite conspiracy trial tisements, was made to-day before the to-day by Oscar Lawler, special assistant Supreme Court of the United States in a Veitch, who gathered evidence in Califor- G. B. Plante, on behalf of "The Journal of nia. They said that Clancy collapsed in Commerce and Commercial Bulletin," of

The attorneys for the newspaper con tend principally that the sections violate the constitutional liberty of the twentyfive thousand newspapers, magazines and United States

#### Deny Right of Regulation.

Unlike public service corporations, the ewspapers, the attorneys claim, possess no elements which give the government a right to regulate their business, except in so far as the public morals or public welfare is concerned. The brief con-

Absolutely no authority can be found for a contention that the provisions complained of in this act were enacted for the public benefit. Neither the government nor the public at large can be benefitted by the knowledge of the private business affairs and the financial condition of the owner of a newspaper. On the other hand, the provisions objected to in the act are more than unreasonable in their demands upon the owner of a newspaper—they are perniciously inquisitorial. They strike down private rights and invade personal freedom and destroy private property in that they ruin the publication if it refuses to meet their arbitrary demands, for ruin would surely follow the denial of the privileges of the mail. Absolutely no authority can be found

mail.

In the act individual injury is inflicted without any corresponding benefit to society. If the corporation is doing business upon borrowed money for which it has issued its notes or other obligations it must publish to the world the holders of with the corporation of such that the corporation is the control of the corporation of such that the corporation is doing to the corporation of such that the corporation is doing to the corporation of the corporation of the corporation is doing to the corporation of the corporation of the corporation is doing to the corporation of the corporat must publish to the annoyance of su such obligations, to the annoyance of su lenders and the endangering of its cred It must show the vulnerable spots in it must show the vulnerable spots in its financial armor to the benefit of its com-petitors and enemies. Banks and other large financial institutions will refuse to loan it money for fear that they will be ld out and advertised as supporting or introlling its editorial or political policy, or are these fanciful objections. To the siness man they are real and alarm-

and other professional men that if this act is upheld Congress may equally require them to publish and disclose the names of their clients. The vexing question of where the line

shall be drawn between books and periodicals in the mails was passed on today by the Supreme Court, which refused to interfere with the Postmaster General's decision to withdraw secondclass mailing privileges from the "Tip-Top Weekly" and "Work and Win," New York publications.

## COUNT" HELD FOR LARCENY

### Young Man Charged With Stealing a the convention overwhelmingly voted to Gold Mesh Bag Worth \$500.

A young German, who gave the name posed as a count, was arraigned in the West Side court yesterday on the charge of stealing a gold mesh bag from Mrs. Effie May Dorsey, of No. 132 West 45th street. Mrs. Dorsey said the bag was worth \$500. Halter was held for trial in General Sessions.

n the Carlton apartments and, it is al- the four companies now in the field leged, took \$1,000 worth of jewelry that belonged to Mrs. Henry Steers. The police found Mrs, Steers's jewelry in the in the field has been ordered to halt the possession of a young woman to whom "the count" had been attentive. The com-

BOOKS AND PUBLICATIONS.

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"Industrial Unionism."

# WILL BE DISCUSSED TO-DAY

Convention Votes Down Resolu. tion to Bar Religious Topics

in the Future.

Rochester, Nov. 18.-The whether the American Federation of Labor is to adopt industrial unionism is place of its present policy of recognizing except in certain instances, the autonomof trade or craft organizations will be discussed to-morrow. Near the close of this afternoon's meeting the committee on education reported on a resolution for the adoption of industrial unionism. A ejection and a minority favored indestrial unionism, where practicable, and where not practicable, a close federation

The resolution was introduced by John Mitchell, Duncan McDonald, John P. White, Frank J. Hayes, William Green and J. H. Walker, of the United Mine Workers of America, and is as follows:

Whereas, The lines are being more closely drawn between capital and labor

of trade unions for unified action

closely drawn between capital and labor, and,
Whereas, The capitalists of the country have organized the National Manufacturars' Association and other large employers' organizations, compact, cohesive bodies, having for their purpose the destruction of the trades union movement, and realizing that in unity there is strength; therefore, be it
Resolved, That in order to combat these compact and powerful organizations of employers of labor this convention adopts and indorses the plan of organization by industries instead of by crafts.

adopts and indorses the pian of organia-tion by industries instead of by crafts which often divides the forces of labor and that the officers of the America Federation of Labor be instructed to use every effort to bring this about, and that they visit the different labor conventions and use their influence to mould sent-ment along these lines. The majority of the committee desired to substitute for the resolution the auto-

nomy declaration of the Scranton vention in 1901, which favored the retention of the policy of recognizing and maintaining craft or trade autono so far as it was compatible with modern organization of industry. An hour of the afternoon session was given over to an address by Lewis T.

Bryant, Commissioner of Labor of New fersey, on the protection of factory employes from accident and fire. Resolutions adopted condemned the private detectives, said to be used to break strikes in West Virginia; favored the de

Wisconsin extension plan; commended the movement for wider use of school buildings and urged their use for labor meetings; commended the work of the National Conservation Congress and approved the participation by American Federation of Labor officers in its proceedings. Just before the close of the session President Gompers read a clipping from a newspaper in which he was quoted as

elopment of state universities along the

expressing satisfaction at the recent de-feat for re-election of Victor Berger, the Milwaukee Socialist Representative, and said: "The report is absolutely untrue. I have not directly or indirectly said or intimated that I found satisfaction in the

defeat of Mr. Berger. The first bomb of the convention came when the resolutions committee reported in favor of excluding religious discussions In future conventions, and recommended that representatives of all religious organizations be denied the use of the convention platforms. After a long debate

# Halter and is said to have TOLD TO SHOOT STRIKERS More Militia Rushed to West

allow religious discussions.

Virginia Coal Fields. Charleston, W. Va., Nov. 18,-Four additional companies of state militi being rushed to the coal strike district The young man at one time was a clerk, of West Virginia to-night to reinforce

Armed miners are marching toward Paint Creek to "clean it up." Militia now miners and shoot to kill if necessary Minters shot up two small villages to-day but there were no fatalities

# BOOKS AND PUBLICATIONS.